

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHEASTERN DIVISION

Peter J. Wright,

Petitioner,

VS.

State of North Dakota,

Respondent.

## ORDER

Case No. 3:06-cv-46

Petitioner, Peter J. Wright, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254 (Doc. #1). Respondent, State of North Dakota, answered the petition and moved to dismiss (Docs. #4 and 5, respectively). Wright did not respond to the dismissal motion.

On December 28, 2006, Magistrate Judge Karen K. Klein issued her Report and Recommendation recommending that Wright's petition be denied with prejudice and Respondent's motion to dismiss be granted. Pursuant to Rule 72.1(E)(4) of the Local Rules of Court, a party has ten days to object to a Magistrate Judge's Report and Recommendation. No objection has been received during this time period.

The Court has reviewed the Report and Recommendation, along with the entire file, and finds that the Magistrate Judge’s position — that the petition is untimely — is correct. Accordingly, the Court hereby adopts the Report and Recommendation in its entirety. For the reasons set forth therein, Wright’s petition is **DENIED**, and the State of North Dakota’s motion to dismiss is **GRANTED**.

**IT IS SO ORDERED.**

Dated this 23rd day of January, 2007.

/s/ Ralph R. Erickson  
Ralph R. Erickson, District Judge  
United States District Court